

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION
No. 5:10-CR-199-D
No. 5:12-CV-778-D

RONNIE D. RAINEY,)	
)	
Petitioner,)	
)	
v.)	ORDER
)	
UNITED STATES OF AMERICA)	
)	
Respondent.)	

On January 23, 2018, Ronnie D. Rainey (“Rainey”) moved to dismiss the case for lack of subject-matter jurisdiction and contends that he committed no crimes. See [D.E. 202]. On January 24, 2018, Rainey moved to amend the restitution order [D.E. 203]. On February 5, 2018, Rainey requested an evidentiary hearing concerning the restitution order [D.E. 204].


Rainey already filed and lost a motion under 28 U.S.C. § 2255 attacking his conviction and sentence. See [D.E. 62, 76]. On January 28, 2014, the United States Court of Appeals for the Fourth Circuit declined to issue a certificate of appealability and dismissed Rainey’s appeal. See [D.E. 83, 84]. On April 28, 2016, this court dismissed as successive Rainey’s request for relief under Rule 60 of the Federal Rules of Civil Procedure concerning this court’s dismissal of his 2255 motion to vacate, set aside, or correct his conviction and sentence. See [D.E. 106, 150]. On October 21, 2016, the Fourth Circuit denied authorization to file a second or successive section 2255 motion. See [D.E. 155]. On April 23, 2018, the Fourth Circuit dismissed Rainey’s appeal concerning this court’s denial of motions of non parties to have their names removed from criminal judgments, affirmed this court’s refusal to revisit Rainey’s sentence, and denied Rainey’s request for a writ of mandamus.

See United States v. Rainey, No. 17-7365, 2018 WL 1907496 (4th Cir. Apr. 23, 2018)(per curiam) (unpublished).

Rainey's latest motions continue to attack his conviction and sentence. See [D.E. 202, 203, 204]. The court construes Rainey's motions as successive motions under section 2255. This court lacks subject-matter jurisdiction to consider the motions. See, e.g., 28 U.S.C. § 2255(h); Burton v. Stewart, 549 U.S. 147, 152–53 (2007) (per curiam); In re Williams, 364 F.3d 235, 238 (4th Cir. 2004); United States v. Winestock, 340 F.3d 200, 205 (4th Cir. 2003). Thus, the court dismisses the motions.

In sum, the court DISMISSES Rainey's motions [D.E. 202, 203, 204] for lack of subject-matter jurisdiction as successive. The court DENIES a certificate of appealability. See 28 U.S.C. § 2253(c); Miller-El v. Cockrell, 537 U.S. 322, 336–38 (2003); Slack v. McDaniel, 529 U.S. 473, 484 (2000). The court DENIES the other pending motions [D.E. 200, 201].

SO ORDERED. This 30 day of April 2018.


JAMES C. DEVER III
Chief United States District Judge